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ORDINANCE NO. 3557

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AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, APPENDIX A, ZONING REGULATIONS, SECTION 5, SUPPLEMENTAL REGULATIONS, SUB-SECTION 5.2.3, FENCING AND SCREENING; AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA:

ORDINANCE

Section 1. That the Midwest City Municipal Code, Appendix A, Zoning Regulations, Section 5, Supplemental Regulations, Sub-Section 5.2.3, Fencing and Screening; is hereby amended to read as follows:

5.2.3 *Fencing and Screening.* Residential fences and walls may be erected in residential districts under the following provisions and regulations. A permit must first be obtained from the city before any residential fence is constructed.

(A) *Fencing and screening requirements for medium and high density residential districts with multifamily uses.* Only properties zoned 2.9 R-MD, Medium Density Residential District and 2.10 R-HD, High Density Residential District are permitted to have fences and walls beyond or in front of the front building line. The properties must be developed with 4.2.4., Multifamily Residential. A fence may then be constructed to the front property line.

- (1) All fencing extending beyond or in front of a building line or extending to a side building line abutting a dedicated public street shall be wrought iron or wrought iron-like to allow visibility into the complex by a person standing on a ground level or sitting in a vehicle.
 - a. Wrought iron or wrought iron-like fences shall be constructed so as to eliminate the possibility of a child becoming trapped between the wrought iron rails and shall not have any sharp points on top of or on any other portion of the fences that may cause bodily harm.
 - b. Wrought iron or wrought iron-like fences may be installed with or without masonry pillars.
 - c. If security gates are installed, provisions shall be made for emergency vehicle access such as: (1) security gate guard manning the gate whenever the gate is closed; or (2) an emergency system designed to allow entrance by emergency vehicles. Security gates must be approved by the city prior to installation. Provision shall be made for sanitation pick-up and water meter reading by the city if gates are to be installed that would not be manned by a twenty-four hour security gate guard.

1 d. If a gate is installed, the gate shall be located a distance of no less than
2 fifty (5) feet from the back of the curb of the public street to the front of
3 the gate so as to allow a minimum of three (3) automobiles to be located
4 completely off the public street.

5 (B) *Fencing and screening requirements for two-family and single-family residential*
6 *districts.*

7 (1) Fencing and screening, including hedges, are prohibited from extending into the
8 street right-of-way.

9 (2) Fences extending past front or side building lines including ornamental fences.
10 Except as authorized in 5.2.3.(A), fencing and screening requirements for
11 medium and high density residential districts with multifamily uses, properties
12 are permitted to have ornamental fences up to four (4) feet in height located,
13 placed, or erected to the front and side property lines of the residence. Such
14 fences shall meet the following provisions and regulations:

- 15 a. Maximum of four (4) feet in height as measured from the ground level;
- 16 b. A minimum of fifty (50) percent of the total fence area must be open to
17 allow visibility into the front or side yard (i.e. chain-link or picket fence);
- 18 c. Any fence in front of the front or side building line in excess of four (4)
19 feet must be approved, prior to its installation, by the Board of
20 Adjustment pursuant to 7.8.2.(G), Provide for fencing in front of front
21 and side setback building lines.

22 (3) *Fence Material.* Fencing material must be kept in an attractive state, void of rust,
23 in good repair, and in safe and sanitary condition at all times by the property
24 owner. The owner shall provide material and dimension information as part of
25 the permit application.

26 a. Approved fence materials in two-family and single-family districts
27 include:

- 28 1. Wood, vinyl, and metal slats with a depth of at least five-eighths
29 (5/8) of an inch;
- 30 2. Wrought iron or aluminum wrought iron-like fences;
- 31 3. Brick/stone;
- 32 4. Chain-link;
- 33 5. Ribbed steel panel fencing that meets the following standards:
 - 34 a) Ribbed sheet panels shall have the following
35 dimensions: Rib depth of one (1) to one and one-half (1
36 ½) inches by a width of two and one-half (2 ½) to three
37 and one-half (3 ½) inches with six (6) to twelve (12)
38 inches between rib centers.
 - 39 b) Ribbed steel panels must be 22 or 24 gauge steel.

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- c) Ribbed steel panels must be properly primed and coated with a powder coating, Polyvinylidene fluoride (PVDF), factory thermal set silicone polyester base finish, or other factory applied coating as approved by staff.
- d) The tops of ribbed steel panels must be capped and level following the lay of the land.
- e) Poles must not extend past the top of the ribbed sheet panels.
- f) The requirements for ribbed steel panel fencing must be presented with a fence permit application.

6. All metal fencing must have a factory applied coating. Acceptable coatings include: powder coated, Polyvinylidene fluoride (PVDF) coating, thermal set silicone polyester base finish, or other factory applied coating as approved by staff.

b. Prohibited fence materials in two-family and single-family districts include sheet metal, plastic, corrugated metal panels, or plywood. Stockade (i.e. wood) posts are prohibited. Only the caps of posts or poles may extend past the top of the fence line.

- (4) *Rear yard heigh limitation.* In rear yards the height limitation shall be eight (8) feet from ground level.
- (5) *Sight triangle.* No fence, wall, or hedge or any portion thereof shall be located in the sight triangle in accordance with 5.6.3., Sight Lines at Intersection.
- (6) *Surface drainage.* No fence or wall shall be constructed in such a manner as to impede the normal flow of surface drainage.
- (7) *Safety.* On lots smaller than one (1) acre, no electrified fence or wall or any fence containing barbed wire or other substances reasonably capable of causing bodily harm shall be permitted.
- (8) *Permit fee.* Refer to the adopted Zoning Ordinance Fee Schedule for fees.
- (9) *Construction prior to occupancy.* Where a fence is constructed on a property within any zoning district prior to occupancy, no use or conversion of use shall be made of the property until the owner or occupant has met the requirements of this code.

(C) *Fencing and screening requirements for all Commercial and Industrial districts.*

- (1) Fencing and screening are prohibited from extending into the street right-of-way.
- (2) *Surface drainage.* No fence or wall shall be constructed in such a manner as to impede the normal flow of surface drainage.
- (3) *Fence material.* Fencing material must be kept in an attractive state, void of rust, in good repair, and in safe and sanitary condition at all times by the property owner.

- 1 a. Approved fencing and screening materials for the O-1, O-2, C-1, C-2,
2 and C-3 zoning districts shall be the same as those listed as approved
3 under Section 5.2.3 (B)(3)(a) of Appendix A.
- 4 b. Prohibited fencing and screening materials for the O-1, O-2, C-1, C-2,
5 and C-3 zoning districts include: sheet metal, plastic, corrugated metal
6 panels, or plywood sheets. Stockade (i.e. wood) posts are prohibited.
7 Only the caps of posts or poles may extend past the top of the fence line.
- 8 c. Approved fencing and screening materials for the C-4, I-1, I-2, and I-3
9 zoning districts include wood, wrought iron, vinyl, brick/stone and
10 ribbed steel panel fencing that meets the following standards:
- 11 1. Ribbed sheet panels shall have the following dimensions: Rib
12 depth of one (1) to one and one-half (1 ½) inches by a width of
13 two and one-half (2 ½) to three and one-half (3 ½) inches with
14 six (6) to twelve (12) inches between rib centers.
- 15 2. Ribbed steel panels must be properly primed and coated with a
16 powder coating, Polyvinylidene fluoride (PVDF), factory
17 thermal set silicone polyester base finish, or other factory applied
18 coating as approved by staff.
- 19 3. The tops of ribbed steel panels must be capped and level
20 following the lay of the land.
- 21 4. Poles must not extend past the top of the ribbed sheet panels.
- 22 5. The requirements for ribbed steel panel fencing must be
23 presented with a fence permit application.
- 24 (4) *Permit Fee.* The fee for a fence permit in all office, commercial, and industrial
25 zoning districts shall be thirty-five dollars (\$35.00).
- 26 (5) *Construction prior to occupancy.* Where a fence is constructed on a property
27 within any zoning district prior to occupancy, no use or conversion of use shall
28 be made of the property until the owner or occupant has met the requirements of
29 this code.
- 30 (6) *Sight triangle.* No fence, wall or hedge or any portion thereof shall be located in
31 the sight triangle in accordance with 5.6.3, Sight Lines at Intersections.
- 32 (7) *Rear yard height limitation.* In rear yards, the height limitation shall be eight (8)
33 feet from ground level.

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36 **Section 2.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby
37 repealed.

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1 **Section 3.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for
2 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions
3 of the ordinance.
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6 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
7 Oklahoma, this 23 day of April, 2024.
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9 **THE CITY OF MIDWEST CITY, OKLAHOMA**

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13 MATTHEW D. DUKES, II, Mayor
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15 ATTEST:

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19 SARA HANCOCK, City Clerk
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22 Approved as to form and legality this 24th day of April, 2024.
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26 DONALD D. MAISCH, City Attorney
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